

# PUBLIC TRUSTEE AMENDMENT ACT

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No. 10 of 1989

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AN ACT to amend the *Public Trustee Act 1941* and for a related purpose.

[Assented to 2 November 1989]

The Parliament of Western Australia enacts as follows:

## Short title

1. This Act may be cited as the *Public Trustee Amendment Act 1989*.

## Principal Act

2. In this Act the *Public Trustee Act 1941*\* is referred to as the principal Act.

[\*Reprinted as approved 4 February 1981 and amended by Acts Nos. 52 of 1981, 19 of 1982, 46 of 1984, 98 of 1985, 23 of 1986 and 126 of 1987.]

**Section 2 amended**

3. Section 2 of the principal Act is amended in the definition of "Public Trustee" by deleting "and includes the Deputy Public Trustee when acting in the place of the Public Trustee".

**Section 4 amended**

4. Section 4 of the principal Act is amended in subsection (1) by deleting ", subject to the Public Service Act, shall be appointed by the Governor" and substituting the following—

" shall be appointed under and subject to the *Public Service Act 1978* ".

**Section 5 repealed and a section substituted**

5. Section 5 of the principal Act is repealed and the following section is substituted—

**Delegation**

" 5. (1) The Public Trustee may, by instrument in writing signed by the Public Trustee, delegate to a person referred to in section 6 any of the powers or duties of the Public Trustee under this Act or any other written law, other than this power of delegation.

(2) A delegation under this section may be made generally or as otherwise provided by the instrument of delegation. "

**Section 5A amended and saving provision**

6. (1) Section 5A of the principal Act is amended by deleting "and the Deputy Public Trustee, their signatures" and substituting the following—

" , delegations by the Public Trustee under section 5, the signatures of the Public Trustee and delegates of the Public Trustee, "

(2) Section 5A of the principal Act as enacted before the commencement of this Act shall continue to apply to any deed or other instrument executed by the Deputy Public Trustee before the commencement of this Act.

**Section 6 repealed and a section substituted**

7. Section 6 of the principal Act is repealed and the following section is substituted—

Appointment of staff

- “ 6. There shall be appointed under and subject to the *Public Service Act 1978* such officers, clerks and other persons as are necessary to assist the Public Trustee to perform his functions. ”.
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